

Exhibit G

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

- - -

IN RE: AUTOMOTIVE PARTS
ANTITRUST LITIGATION

Case No. 12-md-02311

MDL NO. 2311

Hon. Marianne O. Battani

TELEPHONE CONFERENCE

BEFORE SPECIAL MASTER GENE J. ESSHAKI
ABBOTT NICHOLSON, P.C.
300 River Place Drive, Suite 3000
Detroit, Michigan
Tuesday, May 26, 2015

APPEARANCES:

End Payor Plaintiffs:

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1 deposition of the 30(b)(6) and I do think that under the
2 circumstances because this is going to be a relatively
3 limited area we do not need to put these people through a
4 ten-hour day, and I'm going to rule that on that 30(b)(6) for
5 those dealers you get seven hours for the defendants and one
6 hour for the plaintiffs.

7 All right. The other thing is with respect to who
8 can examine, I'm going to permit more than one attorney to
9 examine but no more than three for the defendants.

10 Now, with respect to the issue of the template, I
11 was attempting to follow Judge Battani's instructions at the
12 January conference where she indicated a template for a
13 deposition protocol should be prepared that can be utilized
14 in all cases because auto dealers and end payors are going to
15 be deposed only once. And so at the hearing instead of
16 saying that there is going to be one template I indicated
17 that there was going to be two, that because the wire harness
18 cases were so advanced I wanted to get that template done and
19 in place so the depositions could commence.

20 I did not mean to imply that there would be a new
21 template for every other part. There is going to be a second
22 template that will be utilized, and you can take additional
23 time to negotiate that, and I distinctly remember and it is
24 in the record, I said you can tweak this second template
25 using the first template to get a second template for the

1 other cases. There will not be 29 templates as plaintiffs
2 have suggested, there will be two, the wire harness template
3 and the template that applies to all other cases, and I am
4 assuming there will be minor differences between the two.

5 The next issue --

6 MS. SULLIVAN: Master Esshaki, can I ask for some
7 clarification on that?

8 MASTER ESSHAKI: Can you hold until I finish?

9 MR. WILLIAMS: Perhaps we can hear all the rulings
10 and then we can respond?

11 MASTER ESSHAKI: My suggestion exactly.

12 With respect to the question of what information
13 the defendants must convey to the plaintiffs prior to a
14 30(b)(6) deposition, it was an outline of areas to be
15 examined -- for the witness to be examined at the deposition.
16 It was not to be specific questions to be asked but just a
17 list of general areas that would be subject to examination so
18 that the plaintiff dealer could pick the person most suitable
19 to be the 30(b)(6) witness. There was to be -- never
20 anticipated any objections -- any specific questions nor any
21 objections would be filed. It was a notice of areas to be
22 covered so that the plaintiffs could pick the person most
23 suitable to give the 30(b)(6) dep. I think I have covered
24 all the issues we have raised.

25 And simply to keep this in order, Ms. Sullivan, do

1 you have any issues or clarifications that you need to be
2 made?

3 MS. SULLIVAN: Actually, Mr. Williams' suggestion
4 was a good one because you answered the question that I was
5 going to ask.

6 I do have one additional question though. With
7 respect to the information that defendants must provide to
8 plaintiffs prior to 30(b)(6) depositions, just to confirm,
9 that is limited to 30(b)(6) depositions and not 30(b)(1)
10 depositions, correct?

11 MASTER ESSHAKI: That's -- well, the purpose of the
12 deposition is to put the plaintiffs on notice of the areas to
13 be covered so that they can select the best person to answer
14 the questions. Now, I think the Judge's original ruling in
15 the status conference in January as I remember it was that
16 the defendants should plan on advising the plaintiffs of
17 areas of examinations for all the parties, so I'm going to
18 have to say it's all 30(b)(6) and fact witnesses, just areas
19 that you intend to examine on.

20 MS. SULLIVAN: Master Esshaki, are you envisioning
21 then that the defendants will provide their list of topics to
22 the auto dealer plaintiffs and the auto dealer plaintiffs
23 will select the individual witnesses for Rule 30(b)(1)
24 depositions?

25 MASTER ESSHAKI: No, no.

1 MS. SULLIVAN: I'm not talking about --

2 MASTER ESSHAKI: No, I'm not and -- I'm not at all.
3 I'm saying as to 30(b)(6) you provide the areas you are going
4 to examine on and that's the way the rule works, the
5 plaintiffs will then select the person that is most capable
6 of responding to the 30(b)(6) areas of examination. As to
7 the areas, the Judge was suggesting give the plaintiffs some
8 advance notice of the areas in which you are going to examine
9 the witness on but the plaintiffs do not get to designate
10 that witness, it is just a pre-deposition notification of
11 likely areas to be covered in the dep, no selection.

12 MR. WILLIAMS: Master Esshaki, this is
13 Steve Williams. If I may ask to clarify?

14 As to the latter point that you just mentioned
15 about 30(b)(1) depositions, do I understand correctly that
16 that ruling is as to both auto dealer plaintiffs and end
17 payor plaintiffs?

18 MASTER ESSHAKI: Yes.

19 MR. WILLIAMS: Thank you.

20 MS. SULLIVAN: Master Esshaki, this is
21 Maggie Sullivan.

22 May I address that ruling?

23 MASTER ESSHAKI: Yes.

24 MS. SULLIVAN: I understand that you recall that
25 Judge Battani conveyed her views that one way that the

1 defendants could prepare together collectively for these
2 plaintiff depositions would be to provide questions in
3 advance, but if you look at the January --

4 MASTER ESSHAKI: No, no, no, Ms. Sullivan, I
5 disagree, I disagree. I don't think at any time she said
6 provide questions in advance. I think she said provide areas
7 that would be subject to examination, an outline, not
8 questions, we are going to examine the witness in this area
9 and in this area and in this area but not specific questions.

10 MS. SULLIVAN: Well, there was a point during the
11 transcript -- or during the hearing where she was giving some
12 suggestions, and the quote from pages 25 and 26 she gave a
13 few suggestions, and one was to submit questions that you
14 would ask of a plaintiff, be it an auto dealer or an end
15 payor. She said I don't think the OEMs are a big deal but in
16 terms of those two groups you could also submit questions and
17 then either the master or myself could call those questions
18 so that you would literally have your questions asked, so
19 when a person comes in he's going to be asked the question,
20 or she, only one time, and you could decide for yourself a
21 group of you that will be taking these depositions using this
22 script.

23 And then she followed that to say or another way of
24 doing it is a group of you could get together and come up
25 with one set of questions so you are not all doing this.

1 Either way I don't care.

2 And then on page 36 of the transcript,
3 Master Esshaki, and this is the most important point that I
4 wanted to make, I would draw your attention to that page of
5 the transcript, it is page 36, I asked for clarification. I
6 said, Your Honor, may I just ask a point of clarification?
7 Are you requesting that we submit a template to
8 Master Esshaki or to other parties or just among the
9 defendants in the various cases?

10 And she responded, you can do whatever you want.
11 Hopefully you come to terms amongst yourself and you don't
12 have to bother Master Esshaki. And then she goes on to say
13 if the defendants could not reach an agreement among themselves
14 then we could submit conflicting questions to you,
15 Master Esshaki, to help us resolve our disputes.

16 But my point is that she confirmed at the end of
17 the discussion that she was not instructing or even
18 suggesting that the defendants provide anything to the
19 plaintiffs in advance of Rule 30(b)(1) depositions.

20 MASTER ESSHAKI: I think --

21 MS. SULLIVAN: And we really --

22 MS. ROMANENKO: Your Honor, may I --

23 MASTER ESSHAKI: Ms. Sullivan, I understand what
24 you're saying, and as I read -- as you read to me what she
25 says there really is no real clarification to it, but it was

1 my subsequent discussions in our May status conference where
2 I indicated that you must provide -- in the 30(b)(6) you must
3 provide an outline of areas to be examined, and I believe
4 that based upon what Judge Battani was saying that that
5 should go as to the 30(b)(1) but I don't think -- I don't
6 think it is necessary to provide specific questions because I
7 think what will happen is in every deposition because you've
8 got a different witness there's going to be different
9 objections to different questions, and literally you could be
10 talking about thousands of objections to thousands of
11 questions, and I don't think that is workable. I do --

12 MS. SULLIVAN: Yes, Master Esshaki, I agree with
13 you about not being required to provide questions in advance,
14 and I also agree that your ruling was very clear that
15 defendants need to provide a list of topics for Rule 30(b)(6)
16 depositions so that the auto dealer plaintiffs could identify
17 the appropriate corporate representatives to testify.

18 What I'm struggling with a little bit and trying to
19 persuade you against here is this ruling that defendants need
20 to provide a list of topics in advance of individual witness
21 depositions under 30(b)(1), there is just no support for that
22 in the Federal rules, and I don't see any support for that in
23 either of the transcripts of the two status conferences, so
24 that's what I'm trying to persuade you about.

25 MASTER ESSHAKI: I understand what you are trying

1 to do, and I think what the Judge was trying to do is
2 streamline the process so that there will be some advance
3 notice to the witness especially, for example, the end payor
4 plaintiffs, we are going to ask did you buy this car, when
5 did you buy the car, where did you buy the car from, how much
6 did you pay for the car, to your knowledge did the car have a
7 wire harness in it? I don't think that's objectionable to
8 say these are the areas we are going to examine this witness
9 on because it will help to streamline the witnesses'
10 examinations.

11 So I have a feeling, Ms. Sullivan, that in every
12 end payor plaintiff case the areas of examination will be
13 identical and I dare say the questions will be identical even
14 though you are not giving questions.

15 Now, you will recall that in what I will call the
16 second template there's got to be room for other defendants
17 to add areas of questions that they want examined in their
18 case.

19 MR. WILLIAMS: Master Esshaki, Steve Williams.

20 May I ask for clarification on the last point that
21 you just made about this second template? Are you referring
22 to a template governing depositions of plaintiffs or of
23 defendants, OEMs and third parties?

24 MASTER ESSHAKI: What I'm referring to is the
25 plaintiffs have raised the potential -- the specter of there